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BY FACSIMILE w/ permission

The Honorable Alvin K. Hellerstein
United States District Judge
Southern District of New York

October 16, 2012
Unless both sides agree,
the case shall proceed as
previously scheduled.
10-18-12 At Heller.

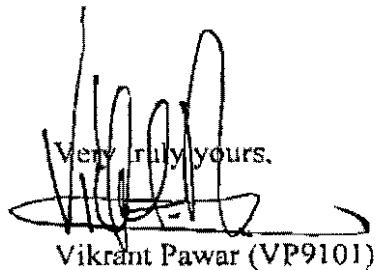
Rc: Sinisterra v. The City of New York, et al., 12 CV 6944 (AKH)

Dear Judge Hellerstein:

I represent the plaintiff in this action and write to Your Honor respectfully requesting that the Court reconsider its Order dated October 16, 2012, denying the parties' request to opt-out of the "Section 1983 Plan." The Plan specifically states that it only applies in cases involving allegations of excessive force, false arrest or malicious prosecution at the hands of the NYPD.

This is a NYC Department of Corrections case and certainly not envisioned by the "Plan." As such, we renew our request to opt this case out of the Plan and give the defendant City additional time to file an answer.

I thank the Court for its time consideration to this request.

Very truly yours,

 Vikrant Pawar (VP9101)

Cc: Uriel Abt, Esq.
Assistant Corporation Counsel